

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARGARET JEAN NUNN,

Defendant.

CR 10-101-GF-BMM

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered his findings and recommendations on February 14, 2014. Defendant admitted she had violated Standard Condition 7 of her supervised release by consuming methamphetamine, and violated Special Condition 1 by failing to appear for a urine test. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 7 months, with 41 months of supervised release to follow. He also recommended that Defendant reside in a pre-release center during the first

six months of her supervised release period.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that she violated the conditions of her supervised release by consuming methamphetamine and by failing to appear for a urine test. Defendant could be imprisoned up to 36 months, followed by 48 months of supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 3 to 9 months. A sentence of 7 months in custody is appropriate because Defendant's underlying offense involved dangerous drugs. Defendant violated the terms of her supervised release despite substantial efforts by probation officers to help her succeed. A lengthy period of supervision is appropriate because it will provide Defendant the support and structure needed to address her drug abuse problem. Spending the first six months of her supervised release period in a pre-release center will assist the Defendant as she transitions from custody to the community.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc.

70) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 4th day of March, 2014.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge